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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,888	01/25/2002	Mathias Seiler	218839US6	5461
22850	7590	10/17/2003		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER TRAN, HANH VAN				
ART UNIT			PAPER NUMBER	
3637				

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,888

Applicant(s)

SEILER ET AL.

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 4 of the support fork can be rotated about the horizontal axis must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it includes legal phraseology such as "invention", "consisting of". Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claims 1-10 are objected to because of the following informalities: In the claims, line 1, "Work table" should be "A work table". Appropriate correction is required.
6. Claims 8-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since in claim 1, line 1, the claim recites "consisting of" which is a closed-ended transitional phrase, an attempt by applicant to further limit the scope of the claimed invention by introduced additional limitations/elements in the depending claims renders the claims indefinite for failing to clearly define the metes and bounds of the claimed invention. For the purpose of this examination, the claims will be examined as best understood.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3637

10. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,938,153 to Maes.

Maes discloses a work table consisting of a frame with a vertical central column 17, a base 16, a swivel arm 37 pivotally provided on the upper end of the central column 17, a support element 13 pivotally attached to the swivel arm 37, and a work surface 51 attached to the support element 13; wherein the swivel arm 37 and the support element 13 are seated in a continuously pivoting manner about horizontal axes.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes in view of USP 1,933,210 to Curtis.

Maes discloses all the elements as discussed above except for a leg rest being fastened to the central column via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes.

Curtis discloses a work table comprising a central column 2 having a leg rest being fastened thereto via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes in order to provide simple, efficient, convenient and economical means for supporting and resting the feet and legs in various adjusted positions while a user is occupying a seated posture in front of the table. Therefore, it would have been obvious to modify the structure of Maes by providing a leg rest being fastened to the central column via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes in order to provide simple, efficient, convenient and economical means for supporting and resting the feet and legs in various adjusted positions while a user is occupying a seated posture in front of the table, as taught by Curtis, since both teach alternate conventional work table structure, used for the same intended purpose, thereby providing structure as claimed.

14. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes in view of USP 4,566,741 to Eriksson et al.

Maes discloses all the elements as discussed above except for a cable pull arranged between the swivel arm and the support element.

Eriksson discloses a work table comprising a swivel arm 46, and a support element 1; wherein a cable pull 42 being arranged between the swivel arm and the support element in order to provide synchronous rotational coupling. Therefore, it would have been obvious to modify

Art Unit: 3637

the structure of Maes by providing a cable pull being arranged between the swivel arm and the support element in order to provide synchronous rotational coupling, as taught by Eriksson et al, since both teach alternate conventional work table structure, used for the same intended purpose thereby providing structure as claimed.

In regard to the limitation in claim 7 of the swivel arm and the support element being designed in such a way that the support element being aligned horizontally when the swivel arm is aligned vertically, and the support element is tilted by about 25 degrees when the swivel arm is aligned horizontally, the swivel arm, support element, and pivotal structures disclosed in Maes are capable of working together in a way such that the support element being aligned horizontally when the swivel arm is aligned vertically, and the support element is tilted by about 25 degrees when the swivel arm is aligned horizontally.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coonan et al, Harbin, Chang, Voeller, Nagy et al, Nevius, Ryburg et al, Anstey, Reineman et al, McFarlane, Nilsson, Ortubay, and Lepper all show structures similar to various elements of applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3637

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HVT

September 30, 2003



Hanh V. Tran

Art Unit 3637